

Form Instructions for Divorce with Children and without Agreement

READ BEFORE YOU USE THIS PACKET

When you sign a court document, you may be helping or hurting your case. Before you sign any court document or get involved with a court case, it is important that you get advice from a lawyer to make sure you are doing the right thing.

Going to court without a lawyer is risky, and if you choose to be unrepresented, you must be prepared. This form packet has been created to help you, but certain courts have their own procedures and may not accept every form. In fact, courts in some counties have their own local form packets and may prefer that you use them. Check with the Clerk of the Court in your county to find out: <http://courts.in.gov/2808.htm>.

You may go to court without representation, but you will have to abide by the appropriate court rules, including Indiana Rules of Evidence, Indiana Rules of Trial Procedure, and any local rules. Learn more about going to court without a lawyer in an informative video at <http://courts.in.gov/2616.htm>.

For additional information, you may refer to the Indiana Self-Service Legal Center that can be found at <http://courts.in.gov/selfservice>. For legal advice about your case, you should get in touch with a lawyer.

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Step 1: Who should use this packet

You should use these instructions and the forms listed if you want to divorce your spouse **AND**:

1. You or your spouse have lived in Indiana for at least the past six months and one of you has lived in your current county for at least the past three months;
2. You have biological or adopted minor children with your spouse;
3. You are not currently pregnant with your spouse's child, or your spouse is not pregnant with your child;
4. Neither you nor your spouse is currently in the military; and
5. You and your spouse **do not** have an agreement on custody/parenting time and/or how property should be divided.

If either you or your spouse is in the military, or if you or your spouse is pregnant, **DO NOT** use these instructions and the forms listed. There are special issues in your case that these forms do not address, and you need to seek legal advice from a lawyer.

If you are seeking a protection order, you may obtain a petition form from the Clerk of the Court (Clerk's Office) or seek help from a victim advocate. A petition for a protection order must be filed as a separate case from this dissolution matter. For more information, see <http://courts.in.gov/selfservice/2352.htm>

Step 2: Prepare your forms

Specific instructions for each form begin on page 7.

You should fill out the following forms:

Form Title	Form Number	Details	When to File
Appearance By Unrepresented Person in Civil Case	TCM-TR3.1-7	This form notifies the court that you intend to participate in a civil case.	See Step 4
Confidential Form-Not for Public Access	TCM-TR3.1-4	You will put all confidential information for this case—such as Social Security numbers—on this form only. This form must be printed on green paper.	See Step 4
Verified Petition for Dissolution of Marriage	PS-31152-14	This form asks the court to grant you a divorce and make temporary arrangements until the case is over.	See Step 4
Summons	TCM-TR4.1-2	This form notifies your spouse that you have filed for divorce and that your spouse must also file an appearance in the case in order to participate in it.	See Step 4
Notice of Provisional Hearing	PS-31152-5	This form notifies your spouse and other parties of the date of a provisional hearing in the case.	See Step 4
Temporary Order	PS-31152-6	This form outlines temporary arrangements for things like child custody, visitation and housing that the court approves while the case is ongoing.	See Step 5

Form Title	Form Number	Details	When to File
Motion for Final Hearing	PS-31152-7	This form asks the court to set a hearing at which the divorce and all arrangements will be finalized.	See Step 6
Notice of Final Hearing	PS-31152-8	This form notifies your spouse and other parties of the date of the final hearing in the case.	See Step 6
Decree of Dissolution of Marriage	PS-31152-9	This form is the final order of the court ending the marriage and outlining the final arrangements for things like child custody, visitation, and housing.	See Step 7

You can either print the blank forms and fill them out by hand, or fill them out on the computer and then print them out, but you need to learn more about what color paper to use and how many copies you'll need:

- *See Step 3* for important information about using light green paper to print the Appearance Confidential Form.
- Review your local court rules to find out how many copies you will need, and any additional forms or procedures required in your county. Read your county's local rules here: <http://courts.in.gov/2694.htm>
- In addition to the forms above, you will need to prepare child support forms. *See Step 5* for more information.

If you cannot afford it, you may ask the court to waive the divorce filing fee. To do so, complete the **Motion for Fee Waiver in a Divorce** form packet at <http://courts.in.gov/selfservice/2347.htm>.

Step 3: Printing your completed forms & understanding confidentiality

About Confidentiality

By law court records are available to the public, and upon request anyone can look in almost any court file. The law also provides that certain information must remain confidential even if it is part of a court record. ***Such confidential information must be filed on green paper*** so that everyone can easily identify it and not release it to the public. It is important that you know what information is confidential and that you submit it to the court on green paper.

Confidential information that should be filed on green paper includes:

- Social Security numbers
- Bank account numbers
- Tax records
- PIN numbers
- Medical records
- Child abuse records.

For more information on this you may review Administrative Rule 9(G) at <http://www.in.gov/judiciary/rules/admin>.

What to File on Green Paper in this Packet.

File the Confidential Form on green paper. Remaining forms in this packet do not ask for confidential information, so they may be filed on white paper.

Step 4: File your initial forms

Take the originals and copies of the following forms to the Clerk of the Court (Clerk's Office) in the county where you (or your spouse) have lived for at least the last three months:

- Appearance By Unrepresented Person in Civil Case
- Confidential Form
- Verified Petition for Dissolution of Marriage
- Summons
- Notice of Provisional Hearing

Locate the Clerk of the Court in your county here: <http://courts.in.gov/2808.htm>

Some forms will be filed later, and others you will present to the judge during a hearing. See Steps 5-7 for more information.

The Clerk will provide the case number and process the forms. The Clerk will stamp the forms with a filing date and give you back a copy.

A copy of the file-stamped forms must be sent to your spouse's attorney, or to your spouse if he or she does not have an attorney. This is called "service" or "being served." Service can be accomplished by mail, in person (for example, by a Sheriff or Sheriff's representative), or even by fax or email. Methods of service can vary by county, so ask your Clerk's Office about your options.

Because you asked for a provisional hearing, the court will send you a notice telling you when the provisional hearing will be. Indiana law (IC 31-15-2-10) requires that you must wait at least 60 days after you file the initial forms to finish your divorce.

Step 5: Provisional hearing

A provisional hearing is a hearing before the final hearing date where parties ask for temporary orders such as temporary possession of the marital residence and temporary custody of the children. Each party may present evidence and testimony on his or her behalf.

The judge will issue orders at the provisional hearing that will remain in effect until the Decree of Dissolution is issued or until modified upon request before the final decree.

You must complete child support forms and take them with you to the provisional hearing. The Indiana Child Support Calculator will walk you through a series of questions about your family and finances and with that information, it will produce forms that you may print and submit to the court.

The calculator is based on the Indiana Child Support Guidelines, which you should read in addition to using the calculator. The child support amount that the calculator produces is not necessarily the final amount that you or the other parent may be obligated to pay. The amount is an estimate based on the Guidelines and the information you enter, but the judge may set a different amount according to his or her discretion.

Go to <http://courts.in.gov/2625.htm> to use the online calculator for parents, to print blank forms, and to read the Indiana Child Support Guidelines.

When you attend the hearing, take the originals and copies of:

- Temporary Order
- Child Support Obligation Worksheet
- Parenting Time Credit Worksheet (if applicable)
- Health Insurance Premium Worksheet (if applicable)
- Post-Secondary Education Worksheet (if applicable)

Step 6: File your final forms

After at least 60 days have passed since you filed your initial forms, take to the Clerk of the Court the originals and copies of:

- Motion for Final Hearing
- Notice of Final Hearing

The Clerk will stamp the forms with a filing date and give you back a copy.

On the day you file, copies of the file-stamped forms must be sent to your spouse's attorney, or to your spouse if he or she does not have an attorney. This is called "service" or "being served." Service can be accomplished by mail, in person (for example, by a Sheriff or Sheriff's representative), or even by fax or email. Methods of service can vary by county, so ask your Clerk's Office about your options.

You and your spouse should each receive a copy of the Notice of Final Hearing from the court. This will tell you the date of your final hearing.

Step 7: The final hearing

Watch the chapter(s) on preparing for your hearing in the video Family Matters: Choosing to Represent Yourself in Court at: <http://courts.in.gov/2616.htm>.

Before you go to court, you should review the Dissolution of Marriage statute (IC 31-15), the Child Support statute (IC 31-16), and the Child Custody statute (IC 31-17) so that you know what evidence you need to present to the Judge. Access the Indiana Code at: <http://iga.in.gov>.

- Dress nicely and be on time.
- Take with you to court:
 - Decree of Dissolution of Marriage
 - Child Support Obligation Worksheet
 - Parenting Time Credit Worksheet (if applicable)
 - Health Insurance Premium Worksheet (if applicable)
 - Post-Secondary Education Worksheet (if applicable)
- You will get to speak first because you are the one who filed for the divorce. Then your spouse will get a chance to speak. *Do not interrupt the Judge or your spouse.*
- Give the Judge your forms before you leave.

Sometimes, the Judge will make his or her decision right away. Sometimes you will have to wait for the decision to come in the mail. The Judge might sign the decree you provided or issue one of their own. If it has been several weeks since the final hearing and you have still not received your decree in the mail, call the court or Clerk's office and ask for a copy.

If you go to your final hearing without a completed Child Support Obligation Worksheet, the court may not hear your case that day, and your divorce will be delayed. Go to <http://courts.in.gov/2625.htm> to use the online calculator for parents or to print blank forms.

*You are divorced when the judge signs the Decree of Dissolution.
You should not get re-married until you have a copy of the
Decree of Dissolution signed by the Judge.*

Form Instructions

The instructions below correspond to the line numbers on the left hand side of each form. Please make sure you fill in all the lines listed.

Instructions for filling out the

Appearance by Unrepresented Person in Civil Case (Form #TCM-TR3.1-7)

Line #	Instructions
1	Enter the name of the county where you are filing the divorce. After the form is printed, circle the court (Superior or Circuit) in which it is being filed.
2	In the blank after the word "Room," enter the court number.
3	Enter the name of the county where you are filing the divorce. Leave the case number blank because the Clerk will assign a number.
4	"In re the _____ of." Enter the word <i>Marriage</i> and leave the space next to it blank.
5	Enter your full name.
8	Enter your spouse's full name.
12	Enter your full name.
13	Check this box if you are the person starting the case.
14	Check this box if you are the person responding to this case.
15	Check this box if you are the person intervening in this case (you are a third party to this case).
22-24	Enter your mailing address.
25	Enter your email address.

Line #	Instructions
26	Check the box if you will accept electronic service of documents in your case at the email address you provided on line 25. Counties with electronic service may not send any documents by mail if you check this box, so if you are willing to accept electronic service, be sure to regularly check your email inbox for new messages about your case. You can ask the Clerk about their electronic service practices.
27	Enter the phone number at which you would like to be contacted about your case.
28	If you have a fax, enter your fax number.
29	Check the box if you are willing to accept service of documents in your case at the fax number you provided.
32	Check the box if you prefer not to provide a mailing address where you are staying, but instead would like to receive service of documents in your case through the confidential address provided by the Attorney General's Office. This is typically used in cases involving domestic violence to keep your current address confidential.
33	Leave blank. The Clerk will provide this information.
41-42	Check the "Yes" box
44-45	If you have any other pending cases related to your divorce case, check the "Yes" box. Otherwise, check the "No" box
47-52	If you checked "Yes" on Line 44, enter the caption(s) and case number(s).
53	Provide additional, information, if any, required by your county's local rules. Read your county's local rules here: http://courts.in.gov/2694.htm
55	Sign your name.

Instructions for filling out the
Confidential Form, Not for Public Access Form (Form #TCM-TR3.1-4)

Line #	Instructions
4	Enter the name of the county where you are filing the divorce. After the form is printed, circle the court (Superior or Circuit) in which it is being filed.
5	In the blank after the word “Room,” enter the court number.
6	Enter the name of the county where you are filing these papers. Leave the case number blank because the Clerk will assign your case a number.
7	“In re the _____ of:” Enter the word <i>Marriage</i> and leave the space next to it blank.
8	Enter your full name.
11	Enter your spouse’s full name.
14-21	Enter the name and social security number of each minor child you have with your spouse.

REMINDER: This form is to be printed on green paper.
For more information about confidentiality of court records, see Indiana
Administrative Rule 9(G) at <http://www.in.gov/judiciary/rules/admin>.

Instructions for filling out the
Verified Petition for Dissolution of Marriage with Request for Provisional Orders
(Form #PS-31152-14)

Line #	Instructions
1	Enter the name of the county where you are filing the divorce. After the form is printed, circle the court in which it is being filed.
2	In the blank after the word "Room," enter the court number.
3	Enter the name of the county where you are filing the divorce. Leave the case number blank because the Clerk will assign a number.
5	Enter your full name as Petitioner.
8	Enter your spouse's full name as Respondent.
11	Check this box. Provisional orders are temporary orders that will be in effect while you are waiting for your final hearing.
12	Enter your full name.
13	"Petitioner and Respondent were married on _____" Enter the day, month and year that you were married.
13	"...and separated on _____" Enter the day, month, and year that you were separated.
14	"_____ has been a continuous resident..." Enter the name of the person (either you or your spouse) who has lived in the county for the last three months.
14	"...has been a continuous resident of _____ County." Enter the name of the county where you are filing these papers.
16	Enter the name of the person (either you or your spouse) who has lived in the state of Indiana for the last six months.
20	Check this box and enter the number of children that you and your spouse have together.

Line #	Instructions
22-25	Enter the name and date of birth of each child you have with your spouse.
26	Enter the name of the parent you want to have custody of your children.
29	If there are no debts or property to divide, check this box.
30	If there is property that your spouse has that you want, or debts that you owe that you think your spouse should pay, check this box.
31-34	If you checked the box in Line 28, list the items or debts.
35	Enter the name of the wife if she is not pregnant. If the wife is pregnant, leave this blank.
39	If you are the Petitioner and would like your former name restored (i.e., maiden name) check this box and enter your former name.
40	If you are the Petitioner and do not wish to change to your former name, check this box.
45	Check this box.
46 - 57	Place a check beside each order you would like the Judge to issue. You should contact an attorney or consult a legal dictionary if you do not understand these terms. A separate case is required for a protection order involving domestic violence, and you must file it as a separate case. If you are seeking a protection order, you may obtain a form from the Clerk of the Court or seek help from a victim advocate. See www.in.gov/judiciary/center/2645.htm
59	Sign your name.
61	Enter your full name.
62-64	Enter your mailing address.
67	Handwrite the date this form is sent by first class mail.
68	Sign the petition.

Instructions for filling out the
Summons (Form #TCM-TR4.1-2)

Line #	Instructions
1	Enter the name of the county where you are filing the divorce. After the form is printed, circle the court (Superior or Circuit) in which it is being filed.
2	In the blank after the word “Room,” enter the court number.
3	Enter the name of the county where you are filing the divorce. Leave the case number blank because the Clerk will assign a number.
5	Enter your full name as Petitioner.
8	Enter your spouse's full name as Respondent.
12-15	Enter your spouse’s full name and address.
28-35	Leave blank. The Clerk will fill this out.
32-34	Check the box that says how you would like your spouse to be served. Please note that each of these methods have additional charges, and discuss this with the Clerk.
36-71	Leave blank. The Sheriff will fill this out if you choose service by sheriff.

Instructions for filling out the
Notice of Provisional Hearing (Form #PS-31152-5)

Line #	Instructions
1	Enter the name of the county where you are filing the divorce. After the form is printed, circle the court in which it is being filed.
2	In the blank after the word “Room,” enter the court number.

Line #	Instructions
3	Enter the name of the county where you are filing the divorce. Leave the case number blank because the Clerk will assign a number.
5	Enter your full name as Petitioner.
8	Enter your spouse's full name as Respondent.
12-16	Leave blank. The Judge will fill them out.
19-22	Enter your full name and address.
23-26	Enter your spouse's full name and address.

Instructions for filling out the
Temporary Order (Form #PS-31152-6)

Line #	Instructions
1	Enter the name of the county where you are filing the divorce. After the form is printed, circle the court (Superior or Circuit) in which it is being filed.
2	In the blank after the word "Room," enter the court number.
3	Enter the name of the county where you are filing the divorce. Leave the case number blank because the Clerk will assign a number.
5	Enter your full name as Petitioner.
7	Enter your spouse's full name as Respondent.
10-74	Leave Blank. The Judge will fill this out.
76	Enter your full name and address.

Line #	Instructions
77-79	Enter your address.
78	Enter your spouse's full name.
81-83	Enter your spouse's address.

Instructions for filling out the
Motion for Final Hearing (Form #PS-31152-7)

Line #	Instructions – DO NOT FILE THIS FORM WITH THE COURT UNTIL 60 DAYS HAVE PASSED SINCE THE FILING OF THE VERIFIED PETITION FOR DISSOLUTION
1	Enter the name of the county where you are filing the divorce. After the form is printed, circle the court (Superior or Circuit) in which it is being filed.
2	In the blank after the word “Room,” enter the court number.
3	Enter the name of the county where you are filing the divorce. Enter the case number that has been assigned by the Clerk where you filed your Petition for Dissolution.
5	Enter your full name as Petitioner.
8	Enter your spouse's full name as Respondent.
14	Sign your name.
16	Enter your full name.
17-19	Enter your address.
22	Enter the date you will file the forms.
23	Sign your name.

Instructions for filling out the
Notice of Final Hearing (Form #PS-31152-8)

Line #	Instructions
1	Enter the name of the county where you are filing the divorce. After the form is printed, circle the court (Superior or Circuit) in which it is being filed.
2	In the blank after the word "Room," enter the court number.
3	Enter the name of the county where you are filing the divorce. Enter the case number that has been assigned by the Clerk where you filed your Petition for Dissolution.
5	Enter your full name as Petitioner.
8	Enter your spouse's full name as Respondent.
14-16	Leave blank. The Judge will fill this out.
19	Enter your full name.
20-22	Enter your address.
23	Enter your spouse's full name.
24-26	Enter your spouse's address

Instructions for filling out the
Decree of Dissolution of Marriage (Form #PS-31152-9)

Line #	Instructions
1	Enter the name of the county where you are filing the divorce. After the form is printed, circle the court (Superior or Circuit) in which it is being filed.
2	In the blank after the word "Room," enter the court number.
3	Enter the name of the county where you are filing the divorce. Leave the cause number blank because the Clerk will assign a number. If the Clerk has already assigned a cause number, enter it here.
5	Enter your full name as Petitioner.
8	Enter your spouse's full name as Respondent.
11	Leave this blank the court will check this box.
13	Leave this blank.
16	First blank: enter the date on which you were married (the format will appear as MMMMM DD, YYYY). Second blank: enter the date on which you were separated (the format will appear as MMMMM DD, YYYY) that you separated.
17	First blank: Enter the party title (Petitioner or Respondent) for the person in the marriage who has lived in the county for the last three months. Second blank: Enter the name of the county where you are filing these papers.
20	First blank: Enter the party title (Petitioner or Respondent) for the wife in the marriage. If the marriage involves a same-sex couple, enter the words "Neither party". Second blank: If the marriage involves male/female couple, enter the words "is not" in the blank; if the marriage involves a same-sex couple, enter the word "is" in the blank.
23	Do not check this box.

Line #	Instructions
24	Check this box and enter the number of children that you and your spouse have together.
26-29	Enter the name and date of birth of each child you have with your spouse.
30--270	Leave blank. The Judge will fill this out.
273	Enter Petitioner's full name.
274-275	Enter Petitioner's address. (This is the address to which the court will mail Petitioner's copy of the file-stamped and approved decree.)
277	Enter Respondent's full name.
278-279	Enter Respondent's address. (This is the address to which the court will mail Respondent's copy of the file-stamped and approved decree.)